

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)	
LABORERS WELFARE FUND, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 4:05-CV-2352 (CEJ)
)	
D&H CONCRETE, INC., a dissolved)	
Missouri corporation, and)	
DON HELMS, JR., an individual)	
d/b/a D&H CONCRETE, and)	
DON HELMS, SR., an individual)	
d/b/a D&H CONCRETE,)	
)	
Defendants.)	

ORDER

This matter is before the Court on plaintiffs' separate motions for orders of contempt against defendant Don Helms, Sr., and defendant Don Helms, Jr., for failing to comply with orders directing them to produce financial records.

Plaintiffs filed this action to collect delinquent contributions to employee benefit plans due under the terms of a collective bargaining agreement entered into by defendant D&H Concrete, Inc. Plaintiffs alleged that defendants Don Helms, Sr., and Don Helms, Jr., were officers of D&H Concrete, Inc. All three defendants failed to appear or file an answer or other response to the complaint and default has been entered against them. On September 26, 2006, the Court ordered Don Helms, Sr., to produce, no later than October 27, 2006, all records pertaining to wages paid to employees of D&H Concrete, Inc., since August 9, 2004. On November 21, 2006, the Court entered a similar order directing Don

Helms, Jr., to produce records to plaintiffs no later than December 29, 2006.

Counsel for plaintiffs attests that neither defendant has responded to the Court's orders or produced the documents. Plaintiffs move the Court to find Don Helms, Sr., and Don Helms, Jr., in contempt of the Court's orders and to impose a monetary compliance fine of \$200 per day for each day of noncompliance. Plaintiffs also seek attorney's fees and expenses incurred in bringing the contempt motion. Before imposing a sanction, the Court will give Mr. Don Helms, Sr., and Mr. Don Helms, Jr., the opportunity to explain their failure to comply with the previous orders directing them to produce financial records.

Accordingly,

IT IS HEREBY ORDERED that, not later than **February 5, 2007**, defendant Don Helms, Sr., shall show cause in writing why plaintiffs' motion for contempt should not be granted. **Mr. Don Helms, Sr., is advised that he should not ignore this order and he is warned that failure to file a response may result in a finding of contempt and may expose him to fines and/or imprisonment.**


IT IS FURTHER ORDERED that, no later than **February 5, 2007**, defendant Don Helms, Jr., shall show cause in writing why plaintiffs' motion for contempt should not be granted. **Mr. Don Helms, Jr., is advised that he should not ignore this order and he is warned that failure to file a response may result in a finding of contempt and may expose him to fines and/or imprisonment.**

IT IS FURTHER ORDERED that the Clerk of Court shall mail a copy of this order by certified mail, return receipt requested, to the following:

Don Helms, Sr.
D&H Concrete, Inc.
29 Harbor Point Ct.
Crystal City, MO 63019

Don Helms, Jr.
D&H Concrete, Inc.
29 Harbor Point Ct.
Crystal City, MO 63019

Don Helms, Jr.
D&H Concrete
415 St. Joseph
Herculaneum, MO 63048


CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 18th day of January, 2007.